

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 16, 2007

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson and Commissioner Sturtz. Also in attendance were Executive Secretary Choe, Superintendent Huskey and Major Poindexter.

Marc Carmichael, Jeff McKean, Greg Genrich, Debbie Scott, Jim Purucker, Bob Kuzman, Lisa Goldner, Bart Herriman, and Mark Webb were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the October 2, 2007 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the October 16, 2007 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred ninety-three (393) renewals approved, sixty-six (66) new and/or transfer permits approved, five (5) permits approved for catering, six (6) permits approved for first year escrow, two (2) permits approved for second year escrow, one (1) permit approved for third year escrow, three (3) permits approved for fourth year escrow and two (2) permits approved for fifth year.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

No Applications for Discussion

INACTIVE FILES

RR18-10953 KKH & H, INC. – Vice Chairman Johnson stated this permit was acquired by default through a contract agreement. The permit holder failed to pay the taxes due, so the permit was made inactive. The Vice Chairman stated the permit holder, five months later, requested the permit be made active. The Commission reactivated the permit on January 24, 2007. At that time, a letter was sent informing the permit holder that renewals needed to be filed and the permit needed to be put into use by August 16, 2007, because the five years of escrow allowed by statute would expire on that day. The renewals were not filed and the permit was not put into use by that date and, therefore, the permit was made inactive. Vice Chairman Johnson noted he has received another request to reactivate the permit.

Vice Chairman Johnson moved to deny the request to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

PERMITS MADE INACTIVE - Vice Chairman Johnson moved to make eleven (11) permits inactive. All eleven (11) permits are not subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

RR48-08354 CHESTERFIELD RESTAURANT VENTURES, INC. – Executive Secretary Choe stated a request was made by Greg Garrison in the civil matter of Kit Crane v. John Neal, to allow a transfer of alcoholic beverages from one permit premise to another. Pursuant to the Written Order Denying Request for Receivership, the Madison

Superior Court directed the State “to take such action as may be necessary” to secure the interest of persons who may be shown to be innocent in the civil matter. Therefore, the Commission, by Chairman Heath, approved the request to prevent the potential for theft and deterioration of products. Even though the Chairman, pursuant to IC 7.1-2-3-31, has the authority to carry out the policies of this Agency, in addition to his express authority, the full Commission maintains the final responsibility for the ATC’s actions pursuant to IC 7.1-2-3-30. Therefore, Executive Secretary recommended the full Commission vote retroactively on the Chairman’s interim action.

Vice Chairman Johnson moved to approve the request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this _____ day of _____, 2007.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER